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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,716	06/06/2005	Josef Schwagmann	2002P10577WOUS	2595
29177 7590 09/22/2008 BELI., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER KIM, TAE K				
ART UNIT 2153		PAPER NUMBER		
MAIL DATE 09/22/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/520,716

Examiner

TAE K. KIM

Applicant(s)

SCHWAGMANN, JOSEF

Art Unit

2153

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 11 September 2008 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Applicant is attempting to amend the claims to include "quality of service" as monitored data within the system. Quality of service is a term known in the art that is related to packet loss within the transmission of information, which is a narrower limitation that falls within the broader limitation of "service quality." The Applicant clearly notes this distinction in the remarks beginning at the third paragraph of Pg. 8. The Applicant further states that this amendment "clearly distinguishes over the 'job performance' used for SLAs as described" in the prior art. Therefore, the scope of the claims have changed due to the amendment and thus, not entered.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153